GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Tax Department – Surprise Check conducted by Anti Corruption Bureau officials over Integrated Check Post of Commercial Tax Department at Naraharipeta, Chittoor District on 16-12-2010 – Certain irregularities noticed – Departmental action initiated against Sri K.Reddy Prasad, Junior Assistant and eight others – Inquiry – Conducted- Punishment of stoppage of five increments with cumulative imposed- Appeal filed –Punishment reduced-Orders- Issued.

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REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.251 **Dated :02-03-2017**
Read the following :

Ref: 1.Rc.No.120/DES-TCT/2010, dt.23-04-2011 from DG, ACB, AP., Hyd.
2.Govt.Memo No.25245/Vig.I(1)/2011, dated 14-07-2011.
3.Prog.No.V2/716/2011-1, dated 27-07-2011 of CCT., AP., Hyd.
4.Representation dt.22-9-2011 of Sri K.Reddy Prasad.
5.Rc.No.A/9/2013, dt.27-11-13 of CTO, Madanapally Circle (IR).
6.From CCT., AP., Hyderabad, Lr.No.V2/716/2011, dt.07-02-2014.
7.From CCT., AP., Hyderabad, Lr.No.V2/716/2011, dt.11-05-2015.
8.From CCT., AP., Hyderabad, Lr.No.V2/716/2011, dt.12-08-2015.
9.G.O.Rt.No.1073,Rev(Vig.II)Dept Dt. 02.11.2015
10.Govt.Memo No.25245/Vig.II(3)/2011, dated 05-10-2015.
11.Representation dt.26-12-2015 of Sri K.Reddy Prasad.
12.MemoNo.25245/Vig.II(3)/2011-6, Dated:13-06-2016.
13.Prog.No.V2/716/2011-1, dated:11-07-2016 of CCT., AP., Hyd.
14. Lr.No.V2/716/2011-1, dated 22-09-2016 of CCT., AP., Hyd.

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O R D E R :

Whereas, the Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad has submitted report stating that the Bureau officials of Tirupathi Range, have conducted Surprise Check over the Integrated Check Post, Naraharipeta, Chittoor District on 16-12-2010 and noticed certain irregularities against Sri K.Reddy Prasad, Junior Assistant and eight others and recommended to initiate departmental action against the Suspected Officers, vide reference 1st read above.

2. And whereas, the Government after examining the Surprise Check Report have accepted the recommendations of the Bureau and requested the Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad to initiate departmental action against the nine Suspected Officers under Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 for violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964 and submit the records along with the Inquiry Report for taking further action in the matter, vide reference 2nd read above. Accordingly, the Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada has initiated disciplinary action against all the Suspected Officers vide reference 3rd read above. The Inquiry Officer after conducting

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regular inquiry into the matter has submitted the inquiry report holding that the charges framed in respect of Sri K. Reddy Prasad, Junior Assistant (Suspected Officer-2), 1st charge is not proved and 2nd charge, is partly proved, whereas in respect of all others held that charges are not proved.

3. Where as the Government, after examining the matter in detail, dropped further action against P.Muniratnam Naidu, Deputy Commercial Tax Officer and Accused Officer of Integrated Check Post, (Suspected Officer -9) (now Retired) B.Subbaiah, Assistant Commercial Tax Officer, (Suspected Officer -1) (now retired) vide reference 9th read above. In respect of 6 Suspected Officers i.e., Suspected Officer -3 to 8 (at Sl.No.4 to 9 above), the finding of the Inquiring Authority was accepted as charges are not proved and Commissioner of Commercial Taxes was requested to take necessary further action. In respect of left over Suspected Officer -2(at Sl.No.3 above) i.e., K.Reddy Prasad, Junior Assistant, the Commissioner of Commercial Taxes was requested to take necessary action as per rules and send proposals to Government along with provisional decision for taking necessary action vide reference 10th read above. The article of charges framed against Sri K.Reddy Prasad, Junior Assistant (Suspected Officer -2 at Sl.No.3) is as follows:

> **Charge 1**: Failed to account for cash of Rs.740/- was received as voluntary offerings from drivers/cleaners passing through the check post.
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> **Charge 2**: Failed to account for cash of Rs.2400/- found in his possession. During surprise check, on seeing the Anti Corruption Bureau officials, immediately, K. Reddy Prasad, Junior Assistant threw cash in to the corridor adjacent to his seat and the amount was counted i.e., 1900/-. Further an amount of Rs.500/- is found below the news paper on his table.

4. Whereas, the Commissioner of Commercial Taxes has submitted proposals stating that the enquiry report was communicated to Sri.K.Reddy Prasad, Junior Assistant and after examining the written statement of defence which was found not convincing, proposed to impose the punishment of stoppage of Five(5) increments with cumulative effect against Sri K.Reddy Prasad, Junior Assistant.

5. The Govt, after examining the proposals, confirmed the proposed punishment of stoppage of Five(5) increments with cumulative effect against Sri K.Reddy Prasad, Junior Assistant, and requested the Commissioner of Commercial Taxes to take action accordingly vide reference 12th read above. Accordingly, the punishment was imposed by the Commissioner of Commercial Taxes vide reference 13th read above.

6. Whereas, vide reference 14th read above, Sri. K.Reddy Prasad, Junior Assistant has filed appeal before the Government through Commissioner of Commercial Taxes. In his appeal Sri K.Reddy Prasad, Junior Assistant stated that Charge No.2 that he failed to account for the cash of Rs.2400/- found in his possession is contrary to the documentary evidence on record. As seen from the surprise check report itself and as established during the inquiry out of Rs.2400/-, Rs.400/- forms part of Government cash and Rs.100/- forms part of his personal cash. The balance is Rs.1900/-. The

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finding of the learned inquiry officer that he was in possession of Rs.2,000/- excess cash is also contrary to the evidence on record. According to the case of the disciplinary authority, an amount of Rs.1900/- was found in the northern corridor. Admittedly the seats of Deputy Tahsildar, Civil Supplies and Agricultural Market Committee Supervisor are located in the same corridor and the said officials were very much present at the time of surprise check. His seat was located on the north-east corridor of the room and the seat of Forest Section Officer was located on the north-west corridor. The seat of Assistant Commercial Tax Officer near the door of the entrance. There is no window in the wall between his seat and the corridor. He further stated that when such is the case, the question of the attribution of the amount of Rs.1900/- to him on a plea that the same was near to his seat does not merit any consideration since there is no scope to throw any money from his seat to the said corridor.

7. Sri. K.Reddy Prasad, Junior Assistant has also stated that the Anti Corruption Bureau officers are in plain clothes. As such the question of identifying them as Anti Corruption Bureau officers does not arise since he have no acquaintance with them. He also stated that No acceptable evidence was adduced during the inquiry to prove the charge against him as observed in the case of A.V.Krishna Murthy vs Government of Tamil Nadu and others in W.A.Nos.696 and 697/1982 (reported in SLR 1985 (1) Pages 773 to 776) . He has therefore requested to set aside the punishment of stoppage of five(5) increments with cumulative effect against him.

8. Whereas, the Government after careful examination of the matter observed that out of two charges framed against the Charged Officer Charge-I is not proved and Charge-II is partly proved. The Inquiring Authority held that the Charged Officer is in possession of Rs.2000/- being the excess cash and not Rs.2400/- as framed in the charge, for which the major punishment of stoppage of Five increments with cumulative effect, which is too harsh, was imposed whereas all the others were let off. Therefore, the Government taking into the account the circumstances of the case, amount involved, have decided and hereby reduce the punishment imposed against Sri K.Reddy Prasad, Junior Assistant from Five increments with cumulative effect to that of two increments with cumulative effect in the above disciplinary proceedings.

9. The Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
CHIEF SECRETARY TO GOVERNMENT &
SPECIAL CHIEF SECRETARY (CT, P&E, R&S)

To

Sri K.Reddy Prasad, Junior Assistant, Commercial Taxes Department, O/o Commercial Tax Officer, Tirupati-I Circle, Chittoor District.

through the Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada.(with a request to serve the order on the individuals and send the served copy with dated signature to Government)

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The Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada.

Copy to

1.The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.
2.The Director General, Anti Corruption Bureau, Andhra Pradesh, Eedupugallu, Vijayawada.
3.The Deputy Commissioner, Commercial Taxes, Tirupathi, Chittoor District,
4.The Revenue (CT.I) Department.

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//FORWARDED :: BY ORDER//

SECTION OFFICER